

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Santa Clara Valley  
Transportation Authority for an order  
authorizing construction of an at-grade crossing  
of Hamilton Avenue (82D-5.6) by the light rail  
transit line of the Vascona Light Rail Project in  
the City of Campbell, County of Santa Clara.

Application 01-01-003  
(Filed January 5, 2001)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

Following a prehearing conference on April 23, 2002, **IT IS RULED** that:

**1. Summary**

This ruling sets forth the procedural schedule, addresses the scope of the proceeding and designates the principal hearing officer pursuant to Pub. Util. Code § 1701.3(a) and Rule 6.3 of the Rules of Practice and Procedure.

**2. Scope of the Proceeding**

At issue in this application are the following matters:

- a. Has the Santa Clara Valley Transportation Authority (VTA) made the requisite showing to justify an at-grade crossing of Hamilton Avenue by the new Vascona Light Rail Extension in the City of Campbell, as set forth in the application now on file with the Commission?
- b. Has VTA rebutted the protest of the Rail Crossings Engineering Section of the Rail Safety and Carriers Division (Rail Safety Division) that a grade-separated crossing, physically separating vehicles from trains, is the only safe method of constructing a crossing at this location?

- c. Should the Commission affirm the Administrative Law Judge (ALJ) rulings denying VTA's motion to dismiss on jurisdictional grounds and denying VTA's motion to withdraw the application?
- d. Should the Commission enjoin VTA from proceeding with this project absent Rail Safety Division review and Commission approval of the VTA crossing proposal?

### **3. Schedule**

A hearing is necessary. The parties were advised by ruling dated April 29, 2002, of the following schedule:

|                  |   |
|------------------|---|
| June 7, 2002     | Parties will exchange concurrent written testimony, serving all parties, the Assigned Commissioner, and the ALJ   |
| June 18, 2002    | Parties will exchange concurrent rebuttal testimony, serving all parties, the Assigned Commissioner, and the ALJ  |
| June 27-28, 2002 | Evidentiary hearing will be conducted beginning at 10:00 a.m. in the Commission Hearing Room, State Office Building, 505 Van Ness Avenue, San Francisco |

Resolution of this case is anticipated by August 2002.

### **4. Category of Proceeding; Principal Hearing Officer**

This application is ratesetting, as defined in Rule 5(c). ALJ Walker is designated as the principal hearing officer.

**5. Other Matters**

VTA represented at the prehearing conference on April 23, 2002, that it had not made a decision on whether to amend its application to seek approval of a grade-separated crossing at Hamilton Avenue. If such an amendment is filed, other parties will have 30 days in which to comment on the amended application. In that event, VTA is directed to file a motion requesting a stay in this proceeding and recommending new dates for exchange of testimony and public hearing.

Dated May 29, 2002, at San Francisco, California.

/s/ LORETTA LYNCH

Loretta Lynch  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated May 29, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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